

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/665,392

Attorney Docket No. Q77602

AMENDMENTS TO THE DRAWINGS

FIG 12. is amended to add reference numeral 230.

Attachment: One annotated sheet

REMARKS

Claims 1-27 have been examined on the merits, and claims 28-46 have been withdrawn from consideration. Claims 1, 4-7, 9, 10, 13, 16-19, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (US 6,899,413) in view of Yanagawa (US 5,984,448). Claims 2, 3, 14, and 15 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Corrigan(US 6,386,674). Claims 7 and 9 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Otsuki (US 6,692,096). Claims 11 and 22 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Usui (US Pat. App. 2002/0196471). Claims 12 and 23 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Suzuki (US 4,342,051). Claims 24-26 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Nakano (US 5,506,696). Claims 1, 4, 13, 16, 21, 24 and 27 have been amended. Claims 47-49 have been added.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Objections

1. *The Examiner objects to the declaration filed on April 12, 2004, because it contains data in the Residence and Citizenship fields for a second joint inventor. Accordingly, Applicant is enclosing a substitute declaration.*

2. *The Examiner objects to the drawings for failing to include reference 230 in FIG. 12. A substitute FIG. 12 is enclosed. The Examiner also objects to the drawings for failing to include the “third mixing portion(s) when comparing to the first liquid mixing portion to select one of the second liquid mixing portion.” Applicant submits that FIG. 20 shows this aspect of a non-limiting embodiment of the invention.*

3. *The Examiner objects to the title, abstract, specification and claims 1, 4, 13, and 16 due to various informalities. Applicant has enclosed a new title, abstract and specification paragraph and also has amended claims 1, 4, 13 and 16 to overcome the objections. These amendments clearly do not change the scope of the claims.*

Allowable Subject Matter

4. *The Examiner objects to claims 8, 20, and 27 as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim. Applicant respectfully requests that the Examiner hold in abeyance the rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.*

Rejections under 103(a)

5. *Claims 1, 4-7, 9, 10, 13, 16-19, and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. (US 6,899,413) in view of Yanagawa (US 5,984,448).*

Applicant respectfully traverses the rejection.

“To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP §2142. Section 2142 further states that “[t]he initial burden is on the examiner to provide some suggestion of desirability of doing what the inventor has done.”

Both claim 1 and claim 13 recite “a pattern data adjuster, operable to adjust ejection pattern data so as to vary an ejected number of the liquid droplets per unit area, for each of the nozzle groups.” The Examiner argues that column 4, lines 6-11 and 53-55, of Yanagawa teaches or suggests the claimed pattern data adjuster. However, this portion of Yanagawa teaches varying the quantity of ink to be put on a recording medium by controlling the volume of ink that is ejected. Thus, Yanagawa does not suggest a pattern data adjuster to vary the number of droplets in a certain area. Since the Examiner acknowledges that Otsuka does not teach this feature, Applicant submits that claims 1 and 13 are patentable over the applied art.

Claims 4-7, 9, 10, 16-19, and 21 are patentable at least by virtue of their dependency from claims 1 or 13.

6. *Claims 2, 3, 14, and 15 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Corrigan.* Since claims 2, 3, 14, and 15 depend upon claim 1 or 13 and since Corrigan does not cure the deficient teachings of Ostuka and Yanagawa with respect to claims 1 and 13, Applicant submits that claims 2, 3, 14, and 15 are patentable at least by virtue of their dependency.

7. *Claims 7 and 9 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Otsuki.* Since claims 7 and 9 depend upon claim 1, and since Otsuki does not cure the deficient teachings of Ostuka and Yanagawa with respect to claim 1, Applicant submits that claims 7 and 9 are patentable at least by virtue of their dependency.

8. *Claims 11 and 22 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Usui.* Since claims 12 and 23 depend upon claim 1 or 13 and since Usui does not cure the deficient teachings of Ostuka and Yanagawa with respect to claims 1 and 13, Applicant submits that claims 11 and 22 are patentable at least by virtue of their dependency

9. *Claims 12 and 23 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Suzuki.* Since claims 12 and 23 depend upon claim 1 or 13 and since Suzuki does not cure the deficient teachings of Ostuka and Yanagawa with respect to claims 1 and 13, Applicant submits that claims 12 and 23 are patentable at least by virtue of their dependency.

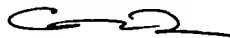
10. *Claims 24-26 have been rejected under 35 U.S.C. § 103(a) over Ostuka and Yanagawa (as applied to claim 1) and further in view of Nakano. Since claims 24-26 depend upon claim 1 and since Nakano does not cure the deficient teachings of Ostuka and Yanagawa with respect to claim 1, Applicant submits that claims 24-26 are patentable at least by virtue of their dependency.*

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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